HON'BLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION NO. 22009 OF 2007

DATE: 12.10.2007

Between:

Sheru Venkanna alias Venkateswarloo S/o Somaiah

...Petitioners

AND

1. Hon'ble Minister for Revenue-cum-Appellate Authority, Government of Andhra Pradesh, Hyderabad and three others

....Respondents

HON'BLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION NO. 22009 OF 2007

ORAL ORDER:

The petitioner seeks to issue a Writ of Mandamus declaring the order of the Additional Agent to the Government in C.M.A.No. 71 of 2003 dated 28th July 2007. The said CMA filed by the third respondent against the order of the Deputy Collector (Tribal Welfare), Palwancha in LTR case No. 54/88 dated 22.6.1989 was allowed and the petitioner who is a non-tribal is not entitled to hold the land in S.No. 43 to an extent of 3 guntas out of 9-38 guntas in Relakayapalli Village, Singareni Mandal, Khammam District. It is stated that aggrieved by the said order of the Agent to the Government in C.M.A.No. 71 of 2003 dated 28.7.2007, the petitioner filed further appeal before the Government on 5.10.2007. It is stated that the Government has not taken up the appeal and the stay application and in the meanwhile the land in question was handed over in favour of third respondent on 8.10.2007 along with standing crop. It is stated that the said standing crop has been raised by him and the petitioner seeks a limited relief of permitting him to harvest the said standing crop.

In view of the above, I am of the opinion, that the appeal is pending before the Government, and the petitioner seeks an appropriate relief before the Government permitting him at least harvest the standing crop. As the revision is pending before the Government, I am not inclined to admit the Writ Petition and accordingly, the same is dismissed. However, the petitioner is directed to approach the Government for getting appropriate relief. The standing crop would not be harvested by the third respondent for a period of two weeks from today.

_____ V. ESWARAIAH, J

Date: 12.10.2007
KA